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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,285	10/26/2005	Daniel E. Evanicky	Deep-7	9085
28581	7590	09/10/2007		
DUANE MORRIS LLP PO BOX 5203 PRINCETON, NJ 08543-5203			EXAMINER HAILEMARIAM, EMMANUEL	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/519,285

**Applicant(s)**

EVANICKY, DANIEL E.

**Examiner**

Emmanuel Hailemariam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 12 is objected to because of the following informalities:

Claim 12, is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 6 to 11. See MPEP § 608.01.

In claim 1 and 2 lines 8 the word "localized" should be "localized".

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1, line 10 recites the limitation "the multi layer ... ". There is insufficient antecedent basis for this limitation in the claim.

Claim 2, lines 7 and 11 "each of the non-display layers" LAB. "Non-display layer is not clear. It is not clear how a multi-display layer can have a non-display layer ?

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the blocks in fig. 2 should be labeled. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings

are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1- 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Clifton et al. (US 6388648) in view of Narutaki et al. (US 6215538).

**AS to claim 1 and 2**, Clifton discloses a method of controlling brightness, colour, hue (col.5 lines 47-55), colour temperature (col.11 lines 3-8), gamma response or contrast of at least one image for display (col.8 lines 29-33); characterized by carrying out. i) receiving said at least one image to be displayed (col.11 lines 28-30) ii), detecting the brightness, colour (col.8 lines 6-16), hue (col.11 lines 9-22), colour temperature (col.5 lines 42- 46; col.7 lines 13-17), gamma response or contrast of said image to be displayed (col.2 lines 64-67;col.3 1-19), but does not disclose determining the transmissivity of a each layer of the multi layer display device in the localized area of said image(s) to achieve the brightness, and communicating the determined transmissivity of each layer of the multi layer display device. However, Narutaki

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discloses determining the transmissivity of a each layer of the multi layer display device in the localized area of said image to achieve the brightness (col.12 lines 50-62) and/or contrast (col. 7 lines 37-43) and communicating the determined transmissivity of each layer of the multi layer display device in the localized area of said (images) to a display device (col. 5 lines 6-22; col.3 lines 29-55).

It would have been obvious for one ordinary skill in the art to modify Clifton by determining the transmissivity of each layer of the multi layer display device in the localized area of said (images) as taught by Narutaki. The reason is that the transmissivity of each layer provides brightness, high contrast display without being affected by the brightness around the liquid crystal display thereby improving the quality of the liquid crystal display.

**As to claim 3**, Clifton discloses a method of controlling brightness, colour, hue (fig.2; col.7 lines 18-29), colour temperature (col.5 lines 42-46), gamma response or contrast of at least one image to be displayed in combination as claimed either of claim 1 or 2 (col.2 lines 64-67;col.3 line 1-19).

**As to claim 4**, Clifton discloses a method of controlling the contrast of at least one image to be displayed utilizing the method as claimed in either claim 1 or 2 while brightness is maintained utilizing the method claimed in either claim 1 or 2 such that net brightness perceived of the image is maintained despite the change to contrast (fig.2; col.7 lines 18-29).

**As to claim 5**, Clifton discloses a device implemented to carry out any of claims 1

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to 4 (fig.3).

**AS to claim 6,7and 8**, Narutaki discloses a display comprising of (fig.3);

i), at least one display device (11) which is (are) at least in part selectively transparent upon which at least one image is displayed (col. 11 lines 30-36);

ii), and a backlighting system which illuminates said image (col. 1 lines 27-35);

iii), and at least one transmissivity control device that selectively controls the transmission of light from said backlight to the viewer in the localized area of said image (col. 2 lines 10-25).

**As to claim 9 and 10**, Clifton discloses a display as described in any of claims 6 to 8 where the at least one transmissivity control device selectively controls the brightness, colour, hue (fig.2; col.7 lines 18-29), colour temperature (col.5 lines 42-46) and/or contrast of said image(s) to be displayed in the localized area (col. 2 line 66 to col. 3 lines10).

**As to claim 11 and 12**, Clifton discloses a display as claimed in any of claims 6, 8, 9 or 10 in which the display device is are Liquid Crystal Display panel (col. 2 lines 64-66).

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Hailemariam whose telephone number is 571-270-1545. The examiner can normally be reached on M-F 8:00am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Emmanuel Hailemariam

08/24/07

  
AMARE MENGISTU  
SUPERVISORY PATENT EXAMINER